

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN ALLEN WALKER,

Case No. 18-10483

Plaintiff,

v.

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

COMMISSIONER OF SOCIAL SECURITY,

U.S. MAGISTRATE JUDGE
ANTHONY P. PATTI

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [21]; GRANTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [17]; AND DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [18]**

On February 19, 2019, the Magistrate Judge issued a Report and Recommendation (“R&R”) [Dkt. 21] on the parties’ motions for summary judgment [17, 18]. Neither party filed any objection to the R&R. The Magistrate Judge determined that the matter should be remanded because the Administrative Law Judge (“ALJ”) failed to obtain a medical opinion on whether Plaintiff’s impairments “medically equal” a listed disability as required by SSR 96-6p. (R&R 7-11).

The ALJ erred in determining, without the advice of an expert, that Plaintiff “does not have an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments.” (R&R at 7). The

matter therefore must be remanded so that the ALJ can obtain the opinion of a qualified medical expert as to whether Plaintiff's physical impairments, in combination, medically equal a listed disability. Plaintiff's credibility and RFC must also be reassessed in light of the medical opinion.

The Court having reviewed the record, the Report and Recommendation [21] is hereby **ADOPTED** and entered as the findings and conclusions of the Court. Accordingly,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment [17] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [18] is **DENIED**.

The decision of the Commissioner is **REVERSED**, and Plaintiff's claims are **REMANDED** to the Commissioner for further proceedings consistent with this Order.

SO ORDERED.

Dated: March 7, 2019

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge